

AMENDED IN SENATE APRIL 28, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 245

Introduced by Senator Battin

February 15, 2005

An act to add Section 14682 to the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

SB 245, as amended, Battin. ~~State property: use of real property:~~ Department of General Services: *use of state property.*

Existing law generally sets forth the duties and authority ~~of the Department of Finance in overseeing the fiscal affairs of the state and the duties and authority of the Department of General Services in~~ acquiring, assigning, and maintaining *state* property on behalf of state agencies.

This bill would provide that final determination of the use of existing state-owned or state-leased ~~office space facilities~~ that is currently under the jurisdiction of the Department of General Services by state agencies shall be made by the Department of General Services ~~with the concurrence of the Department of Finance~~. It would provide that the request of an agency *that is required to be made to and approved by the department* to acquire new facilities ~~requires the approval of the Department of Finance in addition to any applicable requirement of approval by the Legislature~~. It would require the Department of General Services to procure approved new facilities for any agency that currently leases, purchases, acquires, or constructs its own office space through the department that meet the agency's needs using cost efficiency as a primary criterion, among any other agency-specific criteria, as applicable. It would require the

~~Department of General Services to through lease, purchase, or construction shall first consider the utilization of existing state-owned, state-leased, or state-controlled office facilities under the control or authority of the Department of General Services that meets that criterion before considering the leasing of additional office facilities on behalf of a state agency. It would also require that when tenant state agencies located in existing state-owned office space facilities vacate their premises, they continue to pay rent for the facilities unless and until a new tenant can be assigned or until the Department of General Services can negotiate a mutual termination of the lease, unless the department has generated the tenant's relinquishment or the tenant is vacating in accordance with the provisions of its lease agreement.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) It is not the intent of the Legislature in enacting Section 2
4 of this act to increase the jurisdiction of the Department of
5 General Services over construction, facilities, or real property
6 that is not now under the jurisdiction of the department on the
7 date that Section 14682 of the Government Code takes effect.

8 (b) It is the intent of the Legislature in enacting Section 2 of
9 this act that existing state-owned or state-leased facilities are
10 fully utilized by state agencies before entering into new leases by
11 the Department of General Services in order to better control
12 office facility use by state agencies.

13 ~~SECTION 1.~~

14 SEC. 2. Section 14682 is added to the Government Code, to
15 read:

16 14682. (a) Final determination of the use of existing
17 state-owned and state-leased ~~office space facilities~~ that is
18 currently under the jurisdiction of the Department of General
19 Services by state agencies shall be made by the Department of
20 General Services ~~with the concurrence of the Department of~~
21 Finance..

1 (b) A request of an agency ~~to acquire new office that is~~
2 ~~required to be made to and approved by the Department of~~
3 ~~General Services to acquire new facilities through lease,~~
4 ~~purchase, or construction shall require the approval of the~~
5 ~~Department of Finance in addition to any applicable requirement~~
6 ~~of approval by the Legislature. In addition to any other applicable~~
7 ~~requirements, the Department of General Services shall procure~~
8 ~~approved new office facilities for any agency that currently~~
9 ~~leases, purchases, acquires, or constructs its own office space~~
10 ~~through the department that meet the agency's needs using cost~~
11 ~~efficiency as a primary criterion, among any other~~
12 ~~agency-specific criteria, as applicable. The Department of~~
13 ~~General Services shall first consider the utilization of existing~~
14 ~~state-owned, state-leased, or state-controlled office facilities~~
15 ~~under the control or authority of the Department of General~~
16 ~~Services that meets that criterion before considering the facilities~~
17 ~~before considering the leasing of additional office facilities on~~
18 ~~behalf of a state agency. If no available appropriate state~~
19 ~~facilities exist, the Department of General Services shall procure~~
20 ~~approved new facilities for the agency that meets the agency's~~
21 ~~needs using cost efficiency as a primary criterion, among other~~
22 ~~agency-specific criteria, as applicable.~~

23 (c) When tenant state agencies located in existing state-owned
24 ~~office space or state-leased facilities~~ vacate their premises, they
25 shall continue paying rent for the facilities unless and until a new
26 tenant can be assigned or until the Department of General
27 Services can negotiate a mutual termination of the lease. If the
28 department generates the tenant's relinquishment, or if the tenant
29 is vacating in accordance with the provisions of its lease
30 agreement, the tenant shall not be obligated to pay rent after
31 vacating the premises.

32 (d) ~~The Legislature finds and declares all of the following:~~

33 (1) ~~It is not the intent of the Legislature in enacting this section~~
34 ~~to increase the jurisdiction of the Department of General Services~~
35 ~~over construction, facilities, and real property that are not under~~
36 ~~the jurisdiction of the department on the date that this section~~
37 ~~takes effect.~~

38 (2) ~~It is the intent of the Legislature that existing state-owned~~
39 ~~or state-leased offices are fully utilized by state agencies before~~
40 ~~entering into new leases by permitting the Department of General~~

1 Services and the Department of Finance to control office facility
2 use by state agencies.
3 ~~(3) It is the intent of the Legislature that mere cost efficiency~~
4 ~~is not the sole criterion to be used in evaluating new leases or~~
5 ~~acquisition of office facilities by state agencies. Other factors to~~
6 ~~be considered should include, but need not be limited to, access~~
7 ~~to the agency's customer or constituent base, security,~~
8 ~~convenience of location, design for employees, and other~~
9 ~~program needs and requirements.~~

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